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Filing date: **06/18/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85318060
Applicant	Monster Cable Products, Inc.
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Submission	Applicants Request for Remand and Amendment
Attachments	Request to Remand and Suspend June 2014 (325715xD1162) (327059xD1162).pdf(43184 bytes)
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Signature	/Robert D. Litowitz/
Date	06/18/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: Monster, Inc.
Serial Number: 85318060
Filing Date: May 11, 2011
Mark:



Examining Atty: Kim Teresa Moninghoff, Esq.
Law Office: 113

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

**REQUEST FOR REMAND
AND SUSPENSION OF APPEAL**

Applicant Monster, Inc. respectfully requests that the Board remand this application to allow the Examining Attorney an opportunity to reconsider the Final Office Action, issued February 13, 2014, based on compelling new evidence.

As detailed in Applicant's Request for Reconsideration, Registration has been refused under Section 23 on the ground that this design is believed to be functional, and also because the design is believed to be a generic product design. This refusal involves highly technical patent references. Applicant has obtained a declaration from an employee of Monster, Inc., Jacky Hsiung, who designs and develops headphone designs. Mr. Hsiung's declaration is submitted in response to the Examining Attorney's recent statements in her last Office Action concerning the patents at issue, among other things. Applicant submits that this additional information and expert declaration will better inform the PTO of the issues, and possibly render the appeal moot.

It will also better inform the TTAB of the issues, so that the tribunal can fully understand the complex issues on appeal and make an informed decision if this case proceeds on appeal.

Accordingly, Applicant respectfully requests remand of this application to allow the Examining Attorney to time to review and consider Applicant's Request for Reconsideration (attached). Applicant also requests the suspension of the appeal pending disposition of the Request for Reconsideration.

MONSTER, INC.

Dated: June 17, 2014

By: /Robert D. Litowitz

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